

08/07/2001

CLERK OF THE COURT
FORM D000A

JUDGE PRO TEM PAUL S ROWLEY
FOR HONORABLE MARIA del MAR
VERDÍN

J. Herman
Deputy

DR 1999-096672

IN RE THE MARRIAGE OF
DONNA CASTRO

FILED: _____

MITCHELL E COHEN

AND

DAVID J CASTRO

MARC A LESSOW

DOCKET-SE
SUPPORT SERVICES-SE

RULING

This matter came before the Court for Trial on July 19, 2001. The contested issues presented to the Court involved custody, access, child support, division of property and debts and attorney's fees.

This matter has been under advisement. The Court has considered the evidence and testimony presented. The Court enters its own Decree of Dissolution of Marriage as follows.

THE COURT FINDS the jurisdictional testimony has been met. The Court finds that at least one of the parties has been domiciled in the State of Arizona for at least 90 days prior to the filing of the Petition for Dissolution of Marriage. The Conciliation provisions of A.R.S. Section 25-381.09 either have been met or do not apply. The marriage is irretrievably broken. Wife is not pregnant at this time and to the extent it has jurisdiction to do so, the court has considered, approved and

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made provisions for child custody, child support, and property division.

IT IS ORDERED dissolving the marriage and restoring each party to the status of a single person.

IT IS ORDERED restoring Wife to her maiden name of DONNA MAIRE BURNS.

The Court has considered the relevant factors set forth in A.R.S. Section 25-403 in determining the best interests of the child.

IT IS ORDERED the Mother shall have sole legal custody of the minor child, Alexandria E. Castro, born November 21, 1998, and is designated the primary care parent.

IT IS ORDERED Father shall have unsupervised parenting time with Alexzandria every Saturday night commencing at 7:00 p.m. until Tuesday night at 6:30 p.m. at which time the minor child shall be returned to Mother. The parties shall alternate holidays, as follows:

HOLIDAY SCHEDULE

<u>COMMENCING IN THE YEAR 2001</u> HOLIDAY	<u>FATHER</u>		<u>MOTHER</u>	
	<u>ODD</u>	<u>EVEN</u>	<u>ODD</u>	<u>EVEN</u>
Martin Luther King Day		X	X	
President's Day	X			X
Easter		X	X	
Memorial Day	X			X
July 4		X	X	

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Labor Day	X			X
Thanksgiving		X	X	
Christmas Eve	X			X
Christmas Day		X	X	

Thanksgiving: This holiday shall be defined as a four-day holiday commencing Wednesday evening at 4:00 p.m. and ending Sunday evening at 8:00 p.m.

Christmas: The parent having visitation with the minor child on Christmas Eve shall have visitation with the minor child during the first half of their Christmas break from school. The party having visitation with the minor child on Christmas Day shall have visitation with the minor child during the second half of their Christmas break from school, or as agreed by the parties. If the minor child is not yet enrolled in school, the time period for Christmas break shall coincide with the utilized by the public school system in which the child resides.

IT IS ORDERED that the summer access, each parent shall have no more than two (2) weeks uninterrupted in summer. The parties shall provide each other with 30 days' advance notice of their election to exercise such visitation, along with dates and an itinerary.

IT IS ORDERED that the parties shall alternate access with Alexzandria on her birthday. Father shall have access with the minor child on her birthday eve commencing in even years and Mother shall have Alexzandria on her birthday. In subsequent odd numbered years, such access shall alternate.

IT IS ORDERED that on Mother's Day, Mother shall have access with Alexzandria and on Father's Day, Father shall have access with the minor child.

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IT IS ORDERED that each parent shall have access with the minor child on his or her respective birthday.

IT IS ORDERED that each parent shall use the other as the babysitter of choice if they are unable to care for the minor child during their respective parenting times.

The Court adopts as its findings the Child Support Worksheet prepared by the Court and filed this date. The Court determines Father's income to be \$2,390.00 and Mother's income to be \$2,686.00 per month. Mother has monthly daycare expenses of \$100.00 per week. Mother provides health insurance for the minor child at a cost of \$44.00 per month. The Court has provided Father with a physical custody adjustment of 33.10%

IT IS ORDERED effective August 1, 2001, child support shall be \$304.00 per month to be paid through Order of Assignment.

IT IS ORDERED Mother shall provide health insurance for the minor child. Any unreimbursed expenses shall be paid equally.

IT IS ORDERED the parents will alternate claiming the minor child as a tax dependant exemption. Mother shall claim the minor child in odd years and Father shall claim the minor child in even years, commencing 2001.

IT IS ORDERED that the parties shall exchange financial information every 12 months, including, State and Federal Income Tax Returns, W-2's, current payroll stubs, financial statements and Affidavit's of Financial Information so long as the child support obligation exists.

IT IS ORDERED that counsel for Mother shall prepare and submit an Order of Assignment no later than August 13, 2001.

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IT IS ORDERED Father shall pay to Mother \$760.00 for expenses incurred due to Father canceling health insurance for Mother, within thirty (30) days of this order.

IT IS ORDERED Mother shall retain the following property: hand weights, books, answering machine, tools, toolbox, iron and ironing board, Broyhill bedroom set and Armoire.

IT IS ORDERED Father shall retain the entertainment center, end tables and coffee table.

IT IS ORDERED any furniture or personal property not specified herein is to be divided equally.

IT IS ORDERED, consistent with the parties' indication to the Court, that each party shall retain their respective vehicle.

There are no retirement plans held by either party and there are no debts to divide.

IT IS ORDERED Father shall pay to Mother the sum of \$2,000.00 as an equalization payment on or before December 1, 2001.

IT IS ORDERED each party shall pay their own attorney's fees and costs incurred herein.

There being no further need to retain the exhibits in the custody of the Clerk of the Court,

IT IS ORDERED that the Clerk permanently release all exhibits to the counsel/party causing them to be marked, or to their written designee. Counsel/party shall have the right to refile relevant exhibits as needed in support of any appeal. Refiled exhibits must be accompanied by a Notice of Refiling Exhibits and presented to the Exhibits Room of the Clerk's

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Office. The Court's exhibit tag must remain intact on all
refiled exhibits.

IT IS FURTHER ORDERED that counsel/party or written designee
shall have thirty (30) days from the date of this minute entry to
take possession of the exhibits from the Clerk of Courtroom 205;
thereafter, the Clerk is authorized to dispose of the exhibits.

Pursuant to Rule 58 of the Arizona Rules of Civil Procedure,
final Decree of Dissolution of Marriage is approved and signed by
the Court and shall be entered by the Clerk.

/S/ JUDGE PRO TEM PAUL S ROWLEY

JUDICIAL OFFICER OF THE SUPERIOR COURT